

TSCA Active Chemical Reports

Deadlines and Case Study

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Williams Mullen

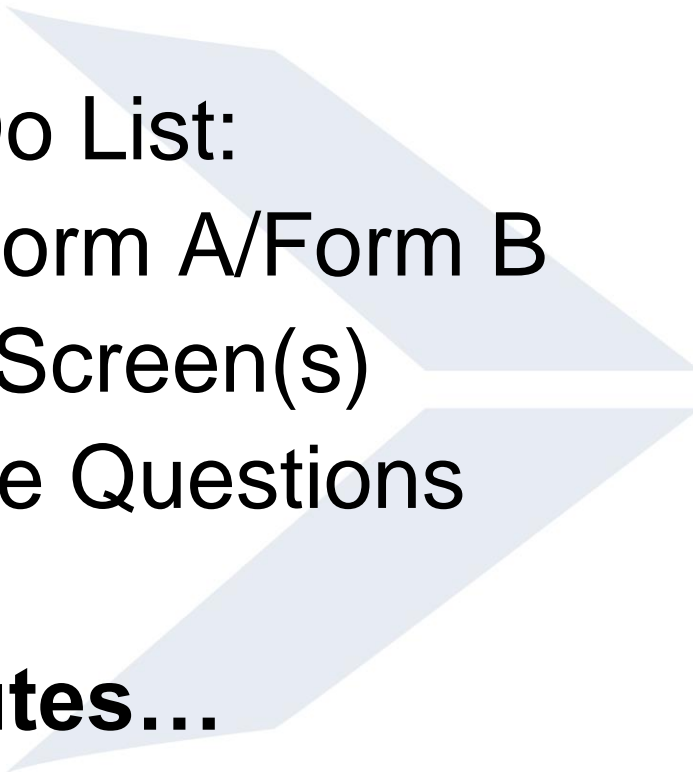
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WILLIAMS MULLEN



We will cover:

- 
1. To Do List:
 - Form A/Form B
 2. The Screen(s)
 3. Some Questions

In 25 minutes...

1. To Do List



Two New Reporting Requirements

Report No. 1: Retrospective Report Form A

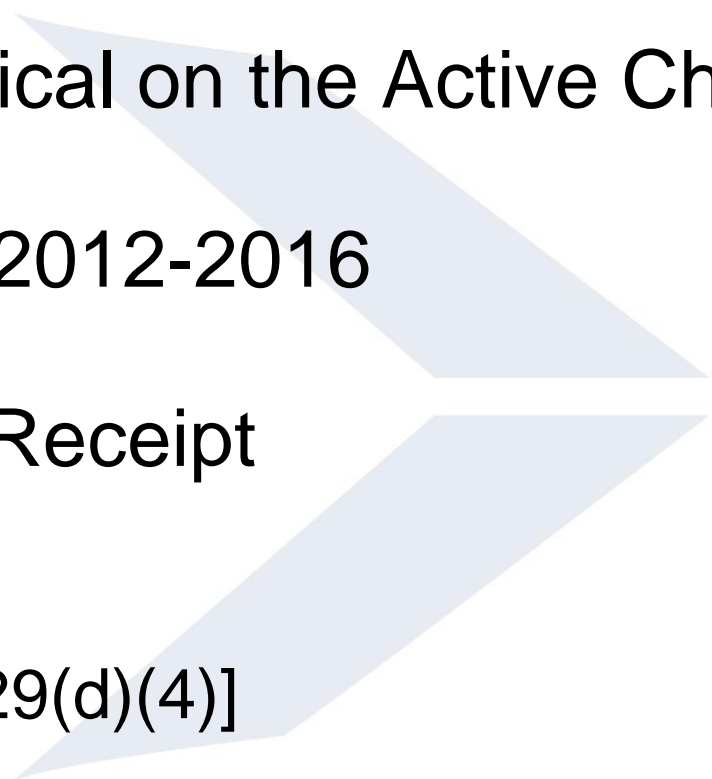
- Active Chemicals
- Lookback Period - - June 21, 2006 to June 21, 2016
- Manufactured, Imported, Processed

NOTE: May withdraw by October 5, 2018
[40 CFR 710.25(a)]

1. To Do List



Form A Not Required:

- Chemical on the Active Chemical List
 - CDR 2012-2016
 - CDX Receipt
- 

[40 CFR 710.29(d)(4)]

1. To Do List



Deadlines:

Manufacturer/Importer: February 7, 2018

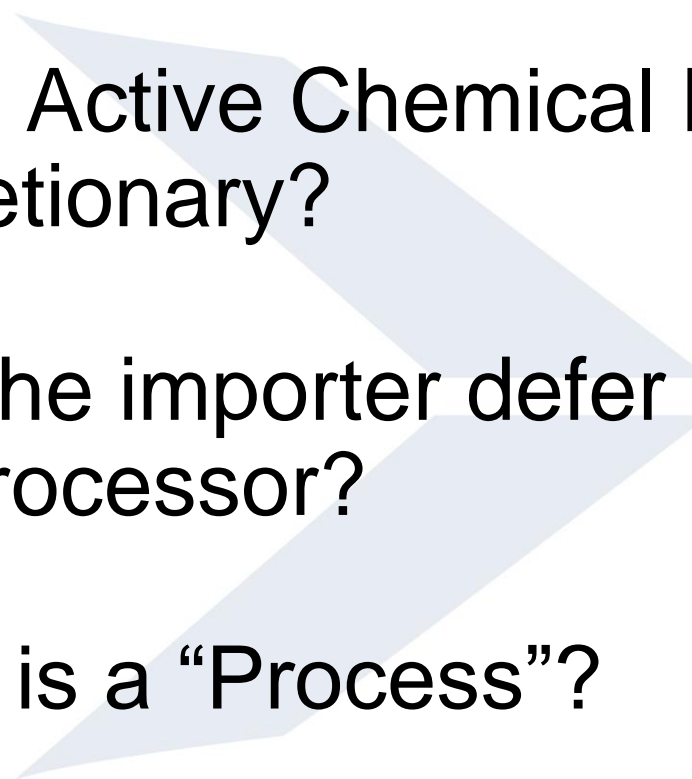
Processor: October 5, 2018

[40 CFR 710.30(a)]

1. To Do List



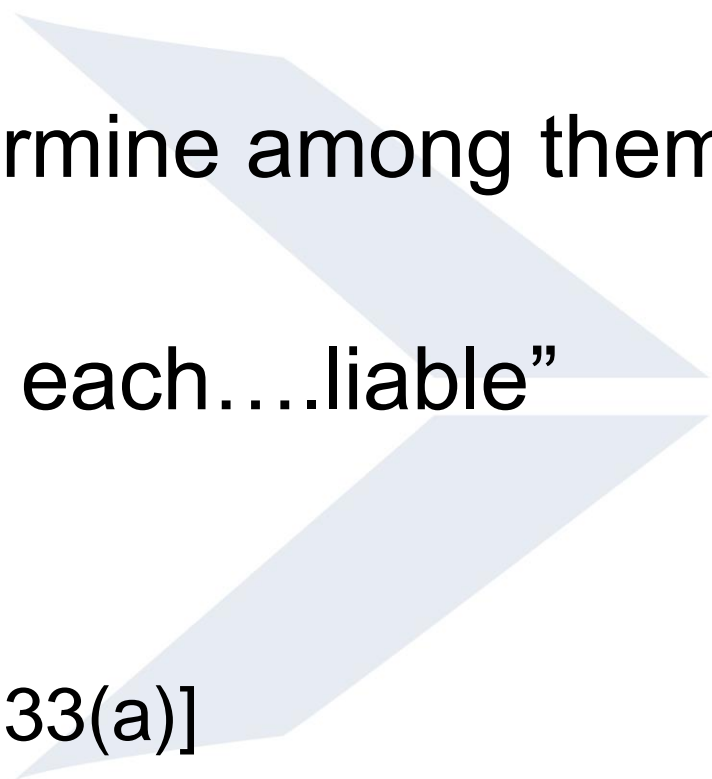
Pop Quiz

- 
- Is the Active Chemical List filing discretionary?
 - Can the importer defer reporting to the processor?
 - What is a “Process”?

1. To Do List



Co-Manufacturers/Co-Importers

- “Determine among themselves”
 - “Hold each....liable”
- 

[40 CFR 710.33(a)]

1. To Do List



CDX: e-NOA Software Required

- Select Active Chemical from list provided (CDX)
- Chemicals not selected default to Inactive List
- “Authorized agent” allowed

[40 CFR 710.39/QA Document]

1. To Do List



Pop Quiz

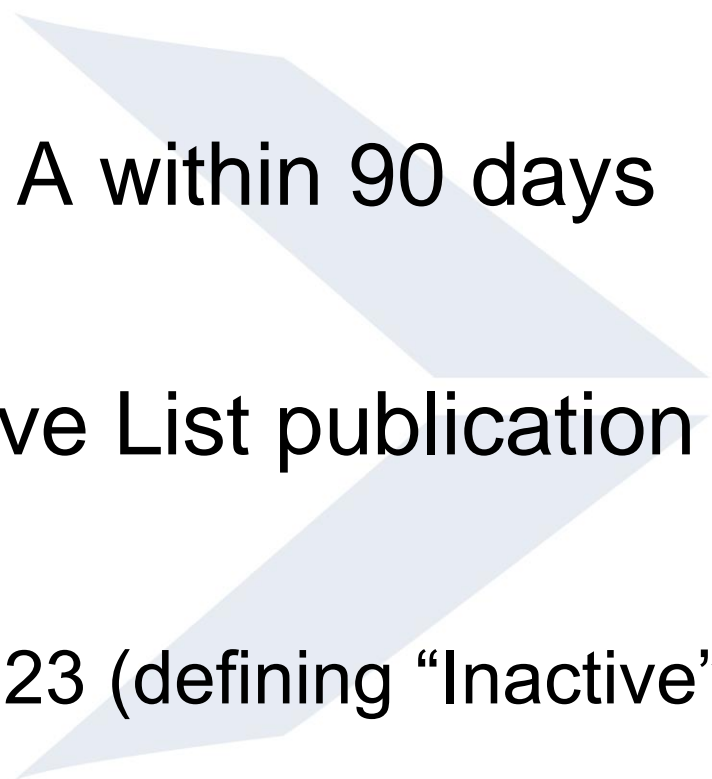
- Import solvent coatings from S. Korea
- After February 8, 2018 and before Inactive List published
- No Form A filed

Question: Liable for import without Form A?

1. To Do List



Answer: Not Liable

- Form A within 90 days
 - Inactive List publication
- 

[40 CFR 710.23 (defining “Inactive”)]

1. To Do List



Report No. 2: Prospective Reports Form B

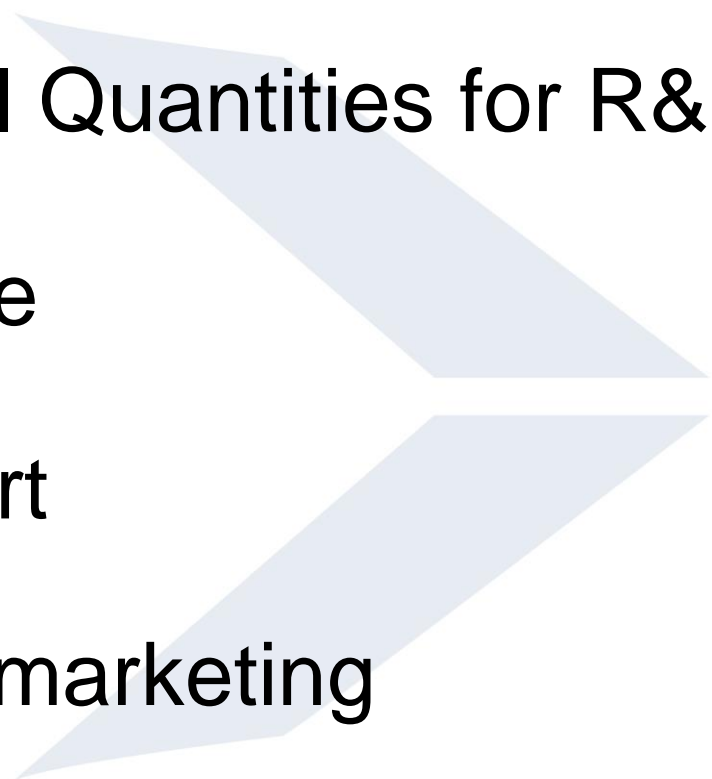
- “Intends to [manufacture/import]”
- Inactive Chemicals List
- Up to 90 days pre-notice

[40 CFR 710.25(c)]

1. To Do List



Exemptions to Both Reports:

- 
1. Small Quantities for R&D
 2. Article
 3. Export
 4. Test marketing

1. To Do List



5. “Naturally Occurring Chemical Substance”

... But only if process by:

- Manual, gravitationally, or Mechanical;
- Dissolution (water)
- Flotation
- Heat -- remove water

1. To Do List



Exemptions (cont.):

- 6. By-product – burn, dispose, extract
- 7. Not Distributed in Commerce:
 - Impurity
 - “Incidental to” chemicals
 - Exposure
 - Storage/disposal
 - End use

1. To Do List



Exemptions (cont.):

8. “Chemical reaction from use of “
chemicals

- Plastics
- Rubbers
- Inks
- Drying oils
- Metal finishing
- Adhesives

1. To Do List



Exemptions (cont.):

9. Chemical reaction results when -

- Stabilizers
- Colorants
- Fillers
- Solvents

10. Nonisolated Intermediates

1. To Do List

Identity of Chemical: SDS or Manifest

- “Not reasonably ascertainable”
- CBI on SDS
- Accession No.

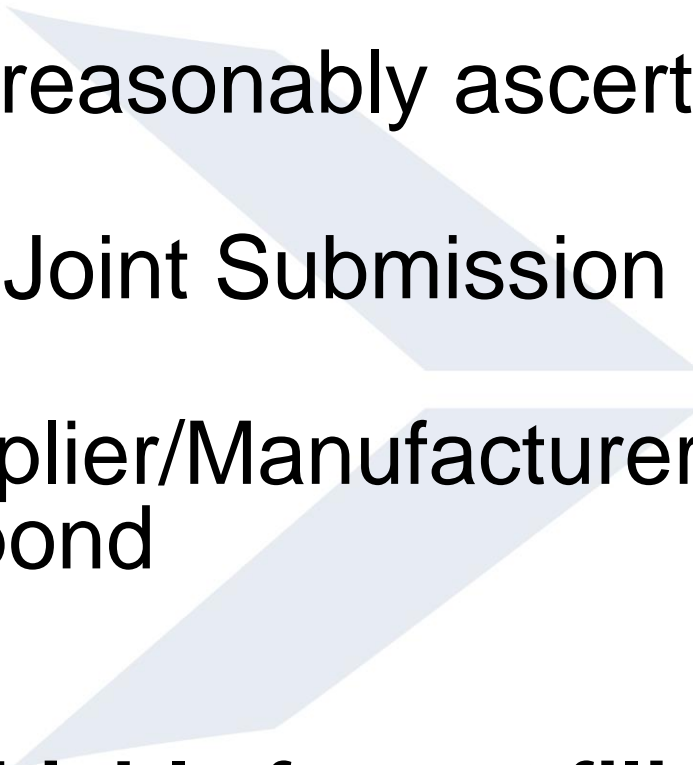
To Do: “Met retrospective reporting obligation” if...

- File “Joint Submission”
- EPA contacts supplier for information

1. To Do List



Pop Quiz

- 
1. Not reasonably ascertainable (SDS)
 2. File Joint Submission
 3. Supplier/Manufacturer does not respond

Question: Liable for not filing Form A?

1. To Do List



Question: What is the consequence of reporting chemical on Joint Submission if chemical not TSCA registered?

2. Fill Out the Screen

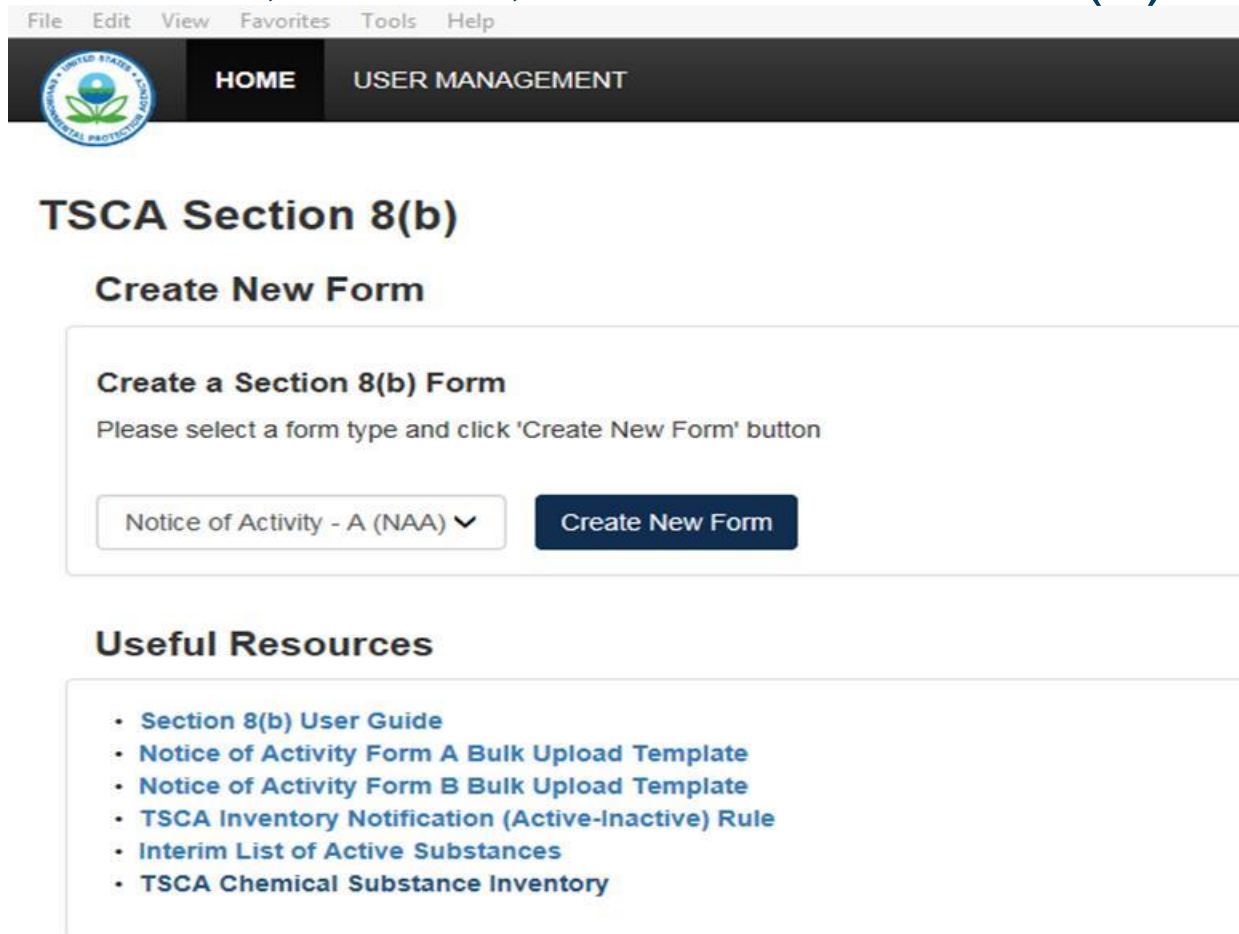


Chemical Notification – Interim Active List

- Many common chemicals are already on EPA's Interim Active List through the 2012 and 2016 CDR submittals.
- CAS # on this list will not show up in CDX
- A file can be downloaded from EPA to confirm, and this should be done for Due Diligence.


Actual Notifying – Not That Difficult

Log into CDX, CSPP, TSCA Section 8(b)



The screenshot shows a web application interface for TSCA Section 8(b). At the top, there is a navigation bar with a menu (File, Edit, View, Favorites, Tools, Help) and a dark header containing the EPA logo and links for HOME and USER MANAGEMENT. Below the header, the main content area is titled "TSCA Section 8(b)". Under this title is a section "Create New Form" which contains the heading "Create a Section 8(b) Form" and the instruction "Please select a form type and click 'Create New Form' button". A dropdown menu is set to "Notice of Activity - A (NAA)" with a downward arrow, and a dark blue "Create New Form" button is to its right. Below this is a "Useful Resources" section with a list of links: "Section 8(b) User Guide", "Notice of Activity Form A Bulk Upload Template", "Notice of Activity Form B Bulk Upload Template", "TSCA Inventory Notification (Active-Inactive) Rule", "Interim List of Active Substances", and "TSCA Chemical Substance Inventory".

File Edit View Favorites Tools Help

 HOME USER MANAGEMENT

TSCA Section 8(b)

Create New Form

Create a Section 8(b) Form

Please select a form type and click 'Create New Form' button

Notice of Activity - A (NAA) ▼ **Create New Form**

Useful Resources

- [Section 8\(b\) User Guide](#)
- [Notice of Activity Form A Bulk Upload Template](#)
- [Notice of Activity Form B Bulk Upload Template](#)
- [TSCA Inventory Notification \(Active-Inactive\) Rule](#)
- [Interim List of Active Substances](#)
- [TSCA Chemical Substance Inventory](#)

To Begin, click Create New Form

The screenshot displays the EPA eNOA (Electronic Notice of Activity) web application. The browser address bar shows the URL: <https://cdmnode.epa.gov/cdm-oppt-eight/action/home>. The user is logged in as Jean Blair, FUJIFILM MANUFACTURING U.S.A., INC. (Primary Authorized Official).

TSCA Section 8(b)

Create New Form

Create a Section 8(b) Form

Please select a form type and click 'Create New Form' button

Notice of Activity - A (NAA)

Useful Resources

- Section 8(b) User Guide
- Notice of Activity Form A Bulk Upload Template
- Notice of Activity Form B Bulk Upload Template
- TSCA Inventory Notification (Active-Inactive) Rule
- Interim List of Active Substances
- TSCA Chemical Substance Inventory

Submission History

Show 10 entries Search

Form Alias	Form Type	Case Number	Submission Date	Status	Copy of Record	Action
NAA-20170929-14.02.34	Notice of Activity - A (NAA)	Show Case Number(s)	2017-09-29	Completed		
NAA-20170929-14.51.29	Notice of Activity - A (NAA)	Show Case Number(s)	2017-10-06	Completed		
NAA-20171006-13.37.44	Notice of Activity - A (NAA)	Show Case Number(s)	2017-10-06	Completed		
NAA-20171006-14.17.16	Notice of Activity - A (NAA)	Show Case Number(s)	2017-10-06	Completed		


Export Options: XML CSV PDF Excel

Previous 1 Next

CDX Links CDX Helpdesk: (888) 890-1990

1:47 PM 10/13/2017

Create a Passphrase – EPA cannot access it

HOMEUSER MANAGEMENT

TSCA Section 8(b) ▶

Create Passphrase


New Passphrase

Confirm Passphrase

⚠ You are responsible for remembering your passphrase!

If you lose or forget your passphrase, you will not be able to access your Section 8(b) Form to print, submit, or make changes. You will need to complete a new Section 8(b) Form and create a new passphrase for the form. For security reasons, the system administrator will not have access to your passphrase and will not be able to retrieve it or reset it.

Add Technical Contact

**HOME** **USER MANAGEMENT**

TSCA Section 8(b) ► NAA-20171018-13:51:02

Step 1 Step 2

Technical Contact **Chemical Information**

Technical Contact Information

★ **Submission Alias**

NAA-20171018-13:51:02

Please do not include CBI information in the Submission Alias field.

Technical Contact (in U.S.)

[Copy From CDX](#)

★ **First Name**

★ **Last Name**

★ **Phone Number**

Phone Number must be 10 digits and contain only numbers.

Normal Method: Add Chemical using SRS

The screenshot shows a web browser window with the URL <https://cdxnodehgh.epa.gov/cdx-oppt-eight/aaction/home#/chemicalinformation>. The page is titled "TSCA Section 8(b) ▶ NAA-20171018-13:51:02". The navigation bar includes "HOME" and "USER MANAGEMENT". The user is identified as "Jean Blair, FUJIFILM MANUFACTURING U.S.A., INC. (Primary Authorized Official)".

The process is divided into three steps: Step 1 (Technical Contact), Step 2 (Chemical Information), and Step 3 (Submitting Official Information). The "Chemical Information" step is currently active.

Under "Chemical Information", there are two main options: "Add Chemical using SRS" and "Add Joint Chemical" (grouped together), and "Upload Chemical(s) using CSV file".

Below these options is a section titled "Chemicals" which contains a table. The table has columns: CASRN, TSCA Inventory Name, Registry Name, Joint, and Action. The table is currently empty, displaying "No chemical information found". Below the table are "Export options: XML, CSV, PDF, Excel".

At the bottom of the page, there is a footer with "Accession" and a tooltip "Displays the generic name of the identified chemical." and "Maintain Existing CBI". The bottom navigation bar includes "Save", "Preview", "Validate", and "Submit". The bottom status bar shows "CDX Links", "CDX Helpdesk: (888) 890-1995", and the date/time "1:53 PM 10/18/2017".

Enter CAS # - Select CASRN, then Search

Add Chemical using SRS

78-98-8

☒ CASRN ☐ TSCA Inventory Name ☐ Accession Number ☐ Generic Name

Begins With

Filter Results:

	Chemical Identifier	Chemical Name	Registry Name
<input checked="" type="checkbox"/>	78988	Propanal, 2-oxo-	Propanal, 2-oxo-

Showing 1 to 1 of 1 entries

Options for CBI; Save to Return to Home

Add Chemical using SRS

78-98-8

☒CASRN

☐TSCA Inventory Name

☐Accession Number

☐Generic Name

Begins With

Search

• Chemical Identifier: 78988

• Chemical Name: Propanal, 2-oxo-

Name of Authorized Official/Mailing address:

Company Name/Mailing Address:

Technical Contact/Telephone Number (in U.S.):

☐ CBI

☐ CBI

☐ CBI

Save

Cancel

Notify Another Chemical Using Same Few Steps

The screenshot shows the EPA's TSCA Section 8(b) web application. The browser address bar displays the URL: <https://cdmonegns.epa.gov/cdo-oppt-eight/aclen/home#/chemicalinformation>. The user is logged in as Jean Blair, FUJIFILM MANUFACTURING U.S.A., INC. (Primary Authorized Official).

The interface is divided into three steps: Step 1 (Technical Contact), Step 2 (Chemical Information), and Step 3 (Submitting Official Information). The current step is Step 2, Chemical Information.

Under the Chemical Information section, there are two main options:

- Add Chemical using SRS
- Add Joint Chemical
- Upload Chemical(s) using .CSV file

Below these options is a table titled "Chemicals" showing a list of chemicals. The table has columns for CASRN, TSCA Inventory Name, Registry Name, Joint, and Action. The first row shows CASRN 78988, TSCA Inventory Name Propanal, 2-oxo-, Registry Name Propanal, 2-oxo-, Joint N, and Action icons.

Export options are available: XML, CSV, PDF, Excel.

At the bottom, there is a section for Accession and a button to Maintain Existing CBI.

The bottom of the screen shows a taskbar with various application icons and a system clock indicating 1:57 PM on 10/18/2017.

Notify by Accession Number for Chemicals on the Confidential Inventory; Choose CBI

Add Chemical using SRS

260890

☐ CASRN ☐ TSCA Inventory Name ☒ Accession Number ☐ Generic Name

Begins With ▼ Search

* **Chemical Identifier:** 260890

* **Chemical Name:** Substituted alicyclic alkenyl benz[e]indolium salt (PROVISIONAL)

☐ I am seeking to maintain an existing claim for the confidentiality of the chemical substance identity, as listed on the TSCA Inventory.

☒ I am not seeking to maintain an existing claim for the confidentiality of the chemical substance identity, as listed on the TSCA Inventory.

Name of Authorized Official/Mailing address: ☐ CBI

Company Name/Mailing Address: ☐ CBI

Technical Contact/Telephone Number (in U.S.): ☐ CBI

Save Cancel

Claim CBI for Confidential Chemicals, Then Follow Prompts for Substantiation

The screenshot shows the EPA CBI Substantiation web application. The browser address bar displays the URL: <https://cdmoe.dem.epa.gov/cdr-cppt-eight/a/action/home#/cblPage>. The page has a navigation bar with links: HOME, USER MANAGEMENT, Technical Contact, Chemical Information, CBI Substantiation (active), and Submitting Official Information. The user is identified as Jean Blair, FUJIFILM MANUFACTURING U.S.A., INC. (Primary Authorized Official).

CBI Substantiation

Search:

Chemical Identifier	Chemical Name	Action	Validation
143818	Alkylamine salt of a substitut...		
166542	Polysulfo-trisubstituted heber...		
242365	Methacrylic acid, polymer with...		

Chemical Identifier: 242365

Chemical Name: Methacrylic acid, polymer with acrylic and methacrylic acid derivatives (PROVISIONAL)

Copy CBI Substantiation from:

Do you wish to claim this substantiation as CBI? ☐ CBI

A. REQUIRED FOR ANY IDENTIFIED CBI CLAIM

1. Do you believe that the information is exempt from substantiation pursuant to TSCA section 14(c)(2)?

If you answered yes, you must individually identify the specific information claimed as confidential and specify the applicable exemption(s). If the Agency disagrees with this assertion, you may be asked to provide additional information to support your claim.

☐ Yes

☒ No

2. Will disclosure of the information likely result in substantial harm to your business's competitive position?

If you answered yes, please describe with specificity the substantial harmful effects that would likely result to your competitive position if the information is made available to the public.

Save Preview Validate Submit

CDX Links CDX Helpdesk: (888) 890-1956

2:45 PM 10/18/2017

Last Step is to Submit by Authorized Official

The screenshot shows a web browser window with the URL <https://cdm.demph.epa.gov/cdx-cggs-eight/a/action/home?/submissionEnd>. The browser's address bar shows the EPA logo and the text "US EPA". The browser's menu bar includes "File", "Edit", "View", "Favorites", "Tools", and "Help". The browser's toolbar includes "Forms" and "Review & Submit".

The page header features the EPA logo on the left, a navigation bar with "HOME" and "USER MANAGEMENT" in the center, and a user profile on the right: "Jean Blair, FUJIFILM MANUFACTURING U.S.A., INC. (Primary Authorized Official)".

The main content area displays the title "TSCA Section 8(b) ▶ NAA-20171018-14:23:58". Below the title is a progress bar with four steps: "Step 1 TSCA Certification", "Step 2 8B Certification", "Step 3 Validation", and "Step 4 Review & Submit". The "Review & Submit" step is highlighted in dark blue.

Below the progress bar, the text "Submission Finished" is displayed. A message box states: "The submission was sent to the EPA. The link to allow for the download of the Copy of Record and signature for this submission will appear in the forms list when EPA receives your submission. Click the 'Home' button to go back to the home screen." A "Home" button is located below the message box.

The footer of the page includes "CDX Links" and "CDX Helpdesk: (888) 890-1996". The Windows taskbar at the bottom shows the system clock as "2:47 PM 10/18/2017".

Done! CDX Shows Submission History; Download Copy of Record for Your Files

The screenshot displays the CDX web application interface. At the top, the browser address bar shows the URL <https://cdx.epa.gov/cdo-oppt-eight/a/action/home>. The navigation bar includes a 'HOME' link and a 'USER MANAGEMENT' link. The user is identified as 'Jean Blair, FUJIFILM MANUFACTURING U.S.A., INC. (Primary Authorized Official)'.

The main content area is divided into two sections:

- Create New Form**: This section includes a 'Create a Section 8(b) Form' heading and a prompt to 'Please select a form type and click "Create New Form" button'. A dropdown menu shows 'Notice of Activity - A (NAA)' selected, and a 'Create New Form' button is visible.
- Useful Resources**: This section lists several links: 'Section 8(b) User Guide', 'Notice of Activity Form A Bulk Upload Template', 'Notice of Activity Form B Bulk Upload Template', 'TSCA Inventory Notification (Active-Inactive) Rule', 'Interim List of Active Substances', and 'TSCA Chemical Substance Inventory'.

The **Submission History** section is the primary focus, displaying a table of submitted forms. The table has columns for 'Form Alias', 'Form Type', 'Case Number', 'Submission Date', 'Status', 'Copy of Record', and 'Action'. The 'Form Alias' column includes a 'Show Case Number(s)' link for each entry. The 'Copy of Record' column contains a green download icon, and the 'Action' column contains a yellow lock icon.

Form Alias	Form Type	Case Number	Submission Date	Status	Copy of Record	Action
NAA-20170929-14 02:34	Notice of Activity - A (NAA)	Show Case Number(s)	2017-09-29	Completed		
NAA-20170929-14 51:29	Notice of Activity - A (NAA)	Show Case Number(s)	2017-10-06	Completed		
NAA-20171005-13 37:44	Notice of Activity - A (NAA)	Show Case Number(s)	2017-10-06	Completed		
NAA-20171005-14 17:16	Notice of Activity - A (NAA)	Show Case Number(s)	2017-10-06	Completed		
NAA-20171018-13 51:02	Notice of Activity - A (NAA)	Show Case Number(s)	2017-10-18	Completed		
NAA-20171018-14 15:57	Notice of Activity - A (NAA)	Show Case Number(s)	2017-10-18	Completed		
NAA-20171018-14 23:58	Notice of Activity - A (NAA)	Show Case Number(s)	2017-10-18	Completed		

At the bottom of the interface, there are links for 'CDX Links' and 'CDX Helpdesk: (888) 890-1995'. The system clock shows '3:00 PM 10/18/2017'.

3. Some Questions?



Question: Will EPA extend the deadlines?

Answer: No. They are statutory.

Advice: Audit and use the Self-Policing Policy

3. Some Questions?



Question: Should processors file even if importer states they will?

Answer: Yes

3. Some Questions?



Question: If substance is not on TSCA Registry (Polymer or Low Volume Exemption) is Form A required?

Answer: No, if not on TSCA Registry.

3. Some Questions?



Question: What if on TSCA Registry but otherwise exempt for your import?

Answer: Must file Form A.

Advice: Check the Registry

[QA Document, Q5]

3. Some Questions?



Question: Is there a limit to the number of chemicals to be uploaded to Form A?

Answer: No

3. Some Questions?



Question: Does Joint Submission get confirmation of response by supplier?

Answer: No. Not Required

[QA Document, Q11.e]

There You Have It: In 25 minutes

1. Form A or Form B
 - Check the Lists
 - Do not Trust the Vendor
2. The Screen Does Not Lie
 - Time
 - Mechanical
3. Be Careful! Lots of questions



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